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Reply to Office action of 10/18/2005

REMARKS/ARGUMENTS

The claims outstanding in this application are Claims 1 and 5 through 23. Claims 2 through 4 have been canceled. In consideration of the amendments made above and the remarks which follow, applicant hereby respectfully traverses all rejections requests reconsideration and allowance of the claims currently pending in this application.

The defect to Claim 18 has been corrected by amendment thereto to reflect proper dependency from Claim 17 as correctly noted by the Examiner.

Claims 1 through 4 were rejected under 35 U.S.C. § 102 as being unpatentable over Garvey ['083] in that Garvey discloses a hand truck comprising a frame [24] having a plurality of wheels [12] attached, an electrically controlled lift member [34] attached to said frame, said frame having a pair of vertical side members [26] with each side member having a means to maintain the lift member in a level orientation as it moves up and down.

The lift member [34] in Garvey, as to Claim 2, further has a first planar member oriented in a horizontal plane and a second planar member oriented perpendicular to the first planar member, a guide track on the interior of the vertical side members, a roller assembly [50] for movement in each guide track where each roller assembly is connected to the second planar member. As to Claim 3, each roller assembly has a pair of rollers for movement in each

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respective guide track and as to Claim 4, Garvey further discloses that each roller assembly is connected to said second planer member via a right angle member [37] and a third planer member [38] extending between the vertical side member [26].

5 Claims 1, 10, and 14 were rejected under 35 U.S.C. § 102 as being unpatentable over Rhodes ['138] in that Rhodes discloses a hand truck comprising a frame having a plurality of wheels [50] attached, an electrically powered lift member [94] attached to the frame, the frame having a pair of vertical side members [12] with
10 each side member having a means to maintain the lift member in a level orientation as the lift member moves up and down, lower structural members [44] attached to the frame where the wheels are attached to the lower structural members, and handles [24] connected to the frame.

15 Claims 1 and 17 were rejected under 35 U.S.C. § 102 as being unpatentable over Holmes ['168] in that Holmes discloses a hand truck comprising a frame having a plurality of wheels attached, an electrically powered lift member [40] attached to the frame with the frame having a pair of vertical side members [20] and with
20 each side member having a means to maintain the lift member in a level orientation as the lift member moves up and down, a reversible electric motor [34] attached to the frame, a cable spool attached to the motor, and a cable [36] connected to the

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spool and lift member for causing movement of the lift member as the cable is wound onto and off of the spool.

Claims 1, 5, 8, and 9 were rejected under 35 U.S.C. § 103 as being unpatentable over Magoffin ['147] in view of Davis ['675] in
5 that Magoffin teaches a hand truck with a frame, a plurality of wheels, a lift member for up and down movement, means for maintaining the lift member in a horizontal orientation, a pair of rotatable screw members attached to the frame supported by
10 bearings mounted on the frame, a means for engaging the screw members [i.e., one nut on each far side] so as to move the lift member up and down as the screw members are turned, and at least one drive, but does not teach the device as having two motors.

Davis ['675] teaches an electrical hoist drive system having a pair of drive motors connected to a gear box with spur gears
15 with the motors supported on a frame member connected to two vertical side frame members wherein the spur gears move transmission members to raise and lower a load. According to the Examiner it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device taught
20 by Magoffin with two motors as taught by Davis.

To these rejections the applicant disagrees as to the current claims as amended and hereby traverses same. The distinguishing structure of the present invention, not disclosed in or taught by any of the prior art, is applicant's dual mast and roller concept

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[see Figures 4A and 4B, reference characters 66, 68, 70, 74, 74]
attached to the side frame members 14, 16 and to the third planar
member 64 thereby according greater stability to the lift and the
hand truck, and applicant's unique engagement means which
5 comprises two sets of spaced apart members 60 attached to the
third planar member 64 wherein these spaced apart members 60 each
have an upper internally threaded member and a lower internally
threaded member and as so structured also accords greater
stability to the hand truck and lift member.

10 In applicant's invention, the lift member 32, 34, 36 is
relatively independent of the third planar member 64 attached to
the rear of the vertically disposed second planar member 36.
There is an upper roller 74 and a spaced apart lower roller 75 on
each side of the third planar member 64. The roller assembly
15 combination 74, 75 rides in the guide channel 70 of the track
guide 66, 68. Having two such rollers 74, 75, spaced apart in
vertical relation to one another provides greater stability to the
lift member as it courses up and down the track.

20 Having only a single roller 50 on each side [i.e., a pair in
horizontal relation to one another] as taught by Garvey will cause
excess strain and 'tilting' motion and effect, particularly when
heavy loads are being lifted and moved. The vertically disposed
two-roller assembly of the present invention eliminates the
tilting effect rendering the lift and movement of the load

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smoother and safer along with the capability of lifting and moving even heavier loads than the single roller assembly.

Nothing in the prior of Garvey, Holmes, Rhodes, Magoffin, or Davis, teaches, suggests, or touches upon this vertically disposed two-roller assembly of independent Claim 1 which provides for greater stability and load handling. Moreover, applicant submits that the Davis reference in non-applicable art, a hoist drive system, not adaptable to portable hand trucks and as such clearly teaches away from portable hand trucks.

As to the rejection of independent Claim 19 as being unpatentable over Magoffin in view of Garvey, applicant submits that currently amended Claim 19 rises above these prior art references in that applicant's engagement means comprises two sets of spaced apart members 60 attached to the third planar member 64 wherein these spaced apart members 60 each have an upper internally threaded member and a lower internally threaded member. As with the two-roller assembly discussed above, the dual internally threaded structure provides for great stability of the lift member and hand truck and accords more lifting power for the user. The Magoffin device has one internally threaded nut on the side frame members, not two. The Magoffin device can also result in a skewed lifting should tandem movement be disrupted. Use of a dual system of internally threaded member, one above the other,

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along with the dual-roller assembly described above eliminates that potential.

As to all other rejections, applicant submits that nothing in the prior art of Garvey, Holmes, Rhodes, Magoffin, Davis,

5 Gillette, Berthiamune, Paterson, and Wagner teaches, suggests, or touches upon the features and structure discussed above.

Therefore a person of ordinary skill in the art would not achieve the present invention as set forth in the claims. None of the cited references incorporates the two-roller assembly or upper and

10 lower internally threaded and spaced apart members on the third planar member as described and defined by applicant's invention.

It is only the obviously thorough search of the Examiner that all the references, which encompass a only portion of applicant's

invention, were uncovered. It is only with applicant's invention

15 as a guide that the references so combined, absent a teaching to do so, reflect a portion of applicant's invention.

The cited, but not applied references, have been reviewed.

Based upon this review, applicant submits these references not to be any more relevant than the references relied upon by the

20 Examiner in the Office action.

For the reasons set forth above the independent claims [Claims 1 and 19] currently pending in this application are patentable and provide further preferred and optimum materials and arrangements not taught in the prior art. Inasmuch as Claims 5

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through 18 and Claims 20 through 23 depended directly or indirectly from there respective and patentable independent claims, these dependent claims are likewise patentable.

In view of the clear distinctions between the cited prior art
5 and the present claims, applicant respectfully requests early reconsideration, allowance, and issue of this application.

Respectfully submitted,

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